

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2414 Session of  
2004

INTRODUCED BY VEON, BELFANTI, DeWEESE, SOLOBAY, FABRIZIO, MANN,  
LaGROTTA, GEORGE, SHANER, LAUGHLIN, BEBKO-JONES, WASHINGTON,  
CASORIO, GRUCELA, GOODMAN, YUDICHAK, WALKO, FREEMAN, LEACH,  
SURRA, LEVDANSKY, KELLER, CURRY, TANGRETTI AND YOUNGBLOOD,  
MARCH 15, 2004

REFERRED TO COMMITTEE ON LABOR RELATIONS, MARCH 15, 2004

AN ACT

1 Amending the act of July 12, 1972 (P.L.847, No.187), entitled  
2 "An act prohibiting and making unlawful the employment of  
3 professional strikebreakers in place of employees involved in  
4 a labor dispute; prohibiting and making unlawful recruitment  
5 and furnishing of employees to replace employees involved in a  
6 labor dispute by a person or agency not directly involved in  
7 the labor dispute and the employment of persons so recruited  
8 or furnished; prohibiting and making unlawful recruitment of  
9 or advertising for employees to take the place of employees  
10 engaged in a labor dispute without stating that the  
11 employment offered is in place of employees involved in a  
12 labor dispute, and repealing certain existing law," defining  
13 "strikebreaker" and "employment agent"; and extending the  
14 provisions of the act to employment agents.

15 The General Assembly of the Commonwealth of Pennsylvania  
16 hereby enacts as follows:

17 Section 1. Sections 1, 2, 3, 4, 5 and 6 of the act of July  
18 12, 1972 (P.L.847, No.187), referred to as the Strikebreaker  
19 Employment Act, are amended to read:

20 Section 1. [The term "strikebreaker" shall mean a person who  
21 customarily and repeatedly offers himself for employment in  
22 place of employee involved in a labor dispute.] The term

1 "employment agent" shall mean a person, partnership, company,  
2 agency, firm or corporation that:

3 (1) Is required to comply with the provisions of the act of  
4 July 31, 1941 (P.L.616, No.261), known as the "Employment Agency  
5 Law."

6 (2) Is hired or in contact with, or arranges or offers  
7 services to a company for the purpose of recruiting, selecting,  
8 supplying, hiring or employing individuals to fill job vacancies  
9 or attain employment with the company.

10 The term "strikebreaker" shall mean a person, other than a  
11 continuously employed management person, who customarily and  
12 repeatedly offers himself for employment as a temporary or  
13 permanent replacement for an employe engaged in a labor dispute.  
14 It shall be evidence that a person customarily and repeatedly  
15 offers himself for employment in place of employes involved in a  
16 labor dispute, if such person shall have at least two times  
17 before offered to take the place of employment of persons  
18 involved in a labor dispute.

19 Section 2. It shall be unlawful for any person, partnership,  
20 agency, firm or corporation, or officer or agent thereof, or  
21 employment agent knowingly to recruit, procure, supply or refer  
22 any strikebreaker for employment in place of employes involved  
23 in a labor dispute in which such person, partnership, agency,  
24 firm or corporation or employment agent is not directly  
25 interested.

26 Section 3. (a) It shall be unlawful for any person,  
27 partnership, firm or corporation, or officer or agent thereof,  
28 involved in a labor dispute, knowingly to employ in place of an  
29 employe involved in such labor dispute any strikebreaker, or  
30 knowingly to employ any strikebreaker in place of an employe

1 involved in a labor dispute which strikebreaker is recruited,  
2 procured, supplied or referred for employment by any person,  
3 partnership, agency, firm or corporation or employment agent not  
4 directly involved in the labor dispute.

5 (b) It shall be unlawful for any person who customarily and  
6 repeatedly offers himself for employment in place of employes  
7 involved in a labor dispute to take or offer to take the place  
8 in employment of employes involved in a labor dispute.

9 Section 4. It shall be unlawful for any person, partnership,  
10 firm or corporation, or officer or agent thereof, involved in a  
11 labor dispute to contract or arrange with any other person,  
12 partnership, agency, firm or corporation or employment agent to  
13 recruit, procure, supply or refer strikebreakers for employment  
14 in place of employes involved in such labor dispute.

15 Section 5. It shall be unlawful for any person, partnership,  
16 agency, firm or corporation, or officer or agent thereof, or  
17 employment agent knowingly to recruit, solicit or advertise for  
18 employes or refer persons to employment in place of employes  
19 involved in a labor dispute without adequate notice to such  
20 person or in such advertisement that there is a labor dispute at  
21 the place at which employment is offered and that the employment  
22 offered is in place of employes involved in such labor dispute.

23 Section 6. Any person, partnership, agency, firm or  
24 corporation or employment agent violating the provisions of  
25 sections 2, 3 or 4 of this act shall be guilty of a misdemeanor  
26 and, upon conviction thereof, shall be punished by a fine of not  
27 more than two thousand dollars (\$2,000) or by imprisonment for a  
28 term not exceeding three years, or both, at the discretion of  
29 the court. Any person, partnership, agency, firm or corporation  
30 or employment agent violating section 5 of this act shall be

1 guilty of a misdemeanor and, upon conviction thereof, shall be  
2 punished by a fine of not more than five hundred dollars (\$500)  
3 or imprisonment for a term not exceeding one year, at the  
4 discretion of the court.

5 Section 2. This act shall take effect immediately.